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RIGHTS OF THE CHILD

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 February 1992]

Situation of children in Guatemala

FIDH is greatly concerned at the serious violations of all rights of the child in Guatemala. We refer specifically to a number of cases involving both economic and social rights and the right to life, which occurred in particular, in the last few months of 1991. The relevant information was provided to us by the Guatemala Human Rights Commission, a member of our Federation.

In May 1990, the Congress of the Republic of Guatemala ratified the Convention on the Rights of the Child, which represents an undertaking on the part of the Guatemalan Government to the international community to watch over the more than 45 per cent of the population consisting of children.

The Constitution of the Republic of Guatemala itself contains provisions concerning the protection and safeguarding of the rights of the child. However, specifically with regard to education, article 74 of the Constitution provides that "Inhabitants have the right and obligation to receive initial pre-primary, primary and basic education within the age-limits established by the law. No charge shall be made for education provided by the State". This

provision is inadequate in that it does not state clearly the obligation of the State to provide free primary education to all children, as laid down in article 28 of the Convention on the Rights of the Child.

The actual situation in Guatemala is very far removed from the principles set forth in the above-mentioned international instruments and, contrary to the provisions of the Constitution, children, particularly indigenous children, are deprived of their rights and of access to the minimum conditions for progressive and necessary physical and mental development.

In Part I of the Convention (art. 2), it is stated that "1. States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status", and that "2. States parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members".

SOCIO-ECONOMIC INDICATORS

Demographic data: In 1991, the population was estimated to be 9.2 million, 4.2 million of them (45 per cent) being below the age of 15, and 56.4 per cent below the age of 20.

Health: The conditions in which Guatemalan children are brought into the world are inadequate right from the prenatal care stage and during delivery; only 27.1 per cent of mothers receive prenatal care; 60 per cent of deliveries are performed by traditional birth attendants; in rural areas, 30 per cent of pregnancies receive no attention. Only 14 per cent of mothers receive tetanus vaccinations, which is a very low figure considering that neonatal tetanus is a common cause of death in Guatemala.

Infant mortality: WHO puts the death rate of children below one year of age at 84.1 per thousand for 1990; for children of less than five years of age, the mortality rate varies between 105 and 128 per thousand; the main causes are diarrhoea, acute respiratory infections and many diseases which could be prevented by vaccination.

Education: On 8 Janaury 1992, State school teachers in various education centres revealed that some 25,000 children could go without schooling this year if the education authorities failed to solve budgetary problems.

The same sources stated that, failing financial support from the Ministry of Education, 10,000 urban school children and 15,000 rural school children will be unable to attend school.

This situation raises fears that the problems in this area will get worse, since a major portion of the population at large is less than 15 years old and their standard of education very low. According to the National Statistical Institute, only 9.4 per cent of the population go on to secondary school and 1.6 per cent enter university.

Child victims of repression

It has been reported that, on 18 October 1991, in the village of Volcancillo, municipality of Cubulco, department of Alta Verapaz, a massacre took place in which nine persons were killed. According to one of the survivors, Julio César Herández and Humberto Alvávez, members of Military Intelligence, together with 23 other men, hacked 9 persons to death with machetes, among them Ana (4 years old), José (9 years old), Emilio (5 years old), Feliciana (2 years old).

On 10 November 1991, 14 year-old Heidy Yesenia Ruiz Lal was taken forcibly from her home in the Ojo de Agua estate, municipality of Flores Costa Cuca, department of Quetzaltenango, by persons unknown. Her body was later discovered in a nearby coffee plantation; she had been raped and one arm had been broken in several places.

On 14 November 1991, 8 year-old Henry Lopéz Ramos and 9 year-old Marlon Audelio Duarte were hacked to death with machetes by José Alcides Javier, Emilio Duarte Morales and Asudias Aquilar, who some days earlier had killed Mr. Adrián Olivero Morales. The children had witnessed the execution.

Street children

These are children, some of them orphans, but all of them either products of widespread repression and violence, or children abandoned because of poverty, who have been harassed, threatened, attacked, beaten, tortured and executed extrajudicially by members of the police, either in uniform or in plain clothes.

It is estimated that, as a result of the political violence of recent years, some 25,000 children live completely orphaned and abandoned in Guatemala City, roaming the streets or garbage dumps in search of scraps of food. In the hinterland, there are some 75,000 more in the same situation.

On 14 November 1991, 16 year-old José Efrain Solis Vásquez and six other street children were beaten by a group of armed men who broke into the Casa Alianza during the night. He had to be admitted to San Juan de Dios hospital in Guatemala City.

The case of these street children had a dramatic impact in international circles. On 9 December 1991, the British Parliament found that a lack of concern had been shown regarding killings of street children in Guatemala and appealed to President Serrano and the Guatemalan Government to deal with the problem as a matter of urgency and, in particular, to support the work of services providing education and support to such children.

This prompted the Government of Guatemala to set up new mechanisms in an attempt to introduce new ways of ensuring impunity. It should be noted that, even although four police officers were sentenced to 12 and 13 years' imprisonment on 20 March 1991 for the murder of 13-year-old Nahamán Cardoma in 1990, that was only one case. It is obvious that this type of measure is designed merely to silence the international outcry provoked by the attacks on street children, since acts of violence against them are still frequent.

Reports exist which provide specific information that would facilitate the investigation of other cases and of the existence of secret prisons where children are arbitrarily detained and tortured. Nevertheless, no attempt is being made to get to the root of the problem.

The socio-economic indicators are illustrative of the gulf which exists between the privileged and the deprived, the origin of which is closely linked to the combination of the socio-economic situation and unresolved ethnic and cultural problems. This creates a vicious circle which deprives most of the child population of the benefits of general development and restricts their individual development, and thus their enjoyment of their rights.

For the above reasons, FIDH requests the members of the Commission to set up appropriate machinery for the implementation of policies which will put an end to this situation.